	Case 3:12-cv-00104-RCJ-VPC Document 25 Filed 10/16/13 Page 1 of 2
1	
2	
3	
4	
5	
6	UNITED STATES DISTRICT COURT
7	DISTRICT OF NEVADA
8	
9	
10	DARREN ROY MACK,
11	Petitioner,) 3:12-cv-00104-RCJ-VPC
12	vs.) ORDER
13	E.K. McDANIEL, et al.,
14	Respondents.
15	
16	This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a
17	Nevada state prisoner. In light of the order filed September 18, 2013, the Court sets further
18	scheduling deadlines in this action. Within (45) forty five days of the data of ontry of this order. Potitioner shall file a notice
19 20	Within (45) forty-five days of the date of entry of this order, Petitioner shall file a notice advising the Court of whether he will proceed <i>pro se</i> in this action or with retained counsel. If
21	Petitioner retains counsel, such counsel shall file a notice of appearance within forty-five (45) days
22	of the date of entry of this order.
23	Within ninety (90) days of the date of entry of this order, Respondents shall file an answer or
24	other response to the petition. If an answer is filed, Petitioner shall have forty-five (45) days from
25	the date of service of the answer to file a reply. If a motion is filed, the parties shall brief the motion
26	in compliance with Rule 7-2 of the Local Rules of Civil Practice.

1

6

7

8 9 10

11 12

13 14

15

16

17 18

19

20

21

22 23

24

25 26

IT IS THEREFORE ORDERED that within forty-five (45) days of the date of entry of this order, Petitioner shall file a notice advising the Court of whether he will proceed pro se or with retained counsel. If Petitioner retains counsel, such counsel shall file a notice of appearance within forty-five (45) days of the date of entry of this order.

IT IS FURTHER ORDERED that Respondents shall have ninety (90) days from the date of entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, Respondents shall address all claims presented in the petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If an answer is filed, Respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the United States District Courts under 28 U.S.C. § 2254. If an answer is filed, Petitioner shall have forty-five (45) days from the date of service of the answer to file a reply. If a motion is filed, the parties shall brief the motion in compliance with Rule 7-2 of the Local Rules of Civil Practice.

IT IS FURTHER ORDERED that any state court record exhibits filed by Respondents or Petitioner shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno** Division of the Clerk of Court.

IT IS FURTHER ORDERED that the Clerk of Court SHALL SERVE this order on petitioner Darren Roy Mack, Inmate #1014861, at Ely State Prison, P.O. Box 1989, Ely, NV 89301.

Dated this 15th day of October, 2013.

UNITED STATES DISTRICT JUDGE